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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/024,530	04/25/2002	Stefan Pusi	449122019900	2138
25227	7590	07/28/2004	EXAMINER	
MORRISON & FOERSTER LLP 1650 TYSONS BOULEVARD SUITE 300 MCLEAN, VA 22102			RAMPURIA, SHARAD K	
			ART UNIT	PAPER NUMBER
			2683	

DATE MAILED: 07/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/024,530

Applicant(s)

PUSL, STEFAN

Examiner

Sharad Rampuria

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 6.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5, & 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huotari [US 5987323] (hereinafter Huotari) in view of Lawrence [US 6628935] (hereinafter Lawrence).

1. Regarding Claim 1, Huotari disclose A method for announcing; and transmitting linked short messages, between a service provider and a mobile radio device in a mobile network (abstract), comprising:
checking the memory capacity (403; fig.4) in the mobile radio device prior to the transmission of at least two linked short messages to the mobile radio device; (col.7; 61-col.8; 8) and
sending the short message after the checking determines that there is sufficient memory space to receive the short message. (col.8; 45-62)

Huotari fails to disclose checking the memory capacity in the mobile radio device. However, Lawrence teaches in an analogous art, that checking the memory capacity in

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the mobile radio device. (col.5; 33-52). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include checking the memory capacity in the mobile radio device in order to provide a notification of memory exceed in wireless communication device.

2. Regarding Claim 2, Huotari disclose The method according to claim 1, wherein the check of the memory capacity in the mobile radio networks is based on the free memory space indicated by the mobile radio device. (403; fig.4; col.7; 61-col.8; 8) in addition, Lawrence discloses the check of the memory capacity. (col.5; 33-52)

3. Regarding Claim 3, Huotari disclose The method according to claim 2, wherein the check of the memory capacity takes place in a service center of a provider. (col.7; 35-54) in addition, Lawrence disclose the check of the memory capacity. (col.5; 33-52)

4. Regarding Claim 4, Huotari disclose The method according to claim 2, wherein the check of the memory capacity takes place in a Home Location Register. (col.7; 35-54) in addition, Lawrence disclose the check of the memory capacity. (col.5; 33-52)

5. Regarding Claim 5, Huotari discloses all the particulars of the claim except the check of the memory capacity takes place in the mobile radio device. However, Lawrence teaches in an analogous art, that The method according to claim 1, wherein the check of the memory capacity takes place in the mobile radio device. (mobile...

determines...message; col.5; 33-52) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include the check of the memory capacity takes place in the mobile radio device in order to provide a notification of memory exceed in wireless communication device.

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11. Regarding Claim 11, Huotari disclose A system for announcing and transmitting linked short messages (abstract), comprising:

a service provider and a mobile radio device, wherein prior to the transmission of at least two linked short messages to the mobile radio device (col.7; 61-col.8; 8), the memory capacity in the mobile radio device is checked (403; fig.4), and the short message is sent after it has been determined that sufficient memory space is available. (col.8; 45-62)

Huotari fails to disclose checking the memory capacity in the mobile radio device. However, Lawrence teaches in an analogous art, that checking the memory capacity in the mobile radio device. (col.5; 33-52). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include checking the memory capacity in the mobile radio device in order to provide a notification of memory exceed in wireless communication device.

Claims 6-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huotari & Lawrence further in view of Kim [US 6597918] (hereinafter Kim).

6. Regarding Claim 6, the above combinations discloses all the particulars of the claim except a total number of linked short messages in a first short message. However, Kim teaches in an analogous art, that The method according to claim 1, wherein information about a total number of linked short messages in a first short message that is transmitted is used for checking the memory capacity in the mobile radio device. (col.3; 29-43)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of

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invention to include a total number of linked short messages in a first short message in order to provide long messages in a cellular radio system.

7. Regarding Claim 7, Huotari discloses all the particulars of the claim except the mobile radio device sends an error message to the mobile network. However, Lawrence teaches in an analogous art, that The method according to claim 6, wherein, when there is insufficient memory capacity, the mobile radio device sends an error message to the mobile network, and an entry is created in a Home Location Register or Service Center of the network. (col.5; 33-52). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include the mobile radio device sends an error message to the mobile network in order to provide a notification of memory exceed in wireless communication device.

8. Regarding Claim 8, Huotari discloses all the particulars of the claim except when there is sufficient memory capacity. However, Lawrence teaches in an analogous art, that The method according to claim 6, wherein when there is sufficient memory capacity, the mobile radio device sends a message about the sufficient memory capacity to the mobile network, and the linked short messages are transmitted. (mobile... determines... message; col.5; 33-52) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include when there is sufficient memory capacity in order to provide a notification of memory exceed in wireless communication device.

9. Regarding Claim 9, Huotari disclose The method according to claim 6, wherein in the event that sufficient memory capacity is available at a later time, the mobile network transmits a message about the sufficient memory space to the mobile radio network, and the Home Location Register or the Service Center of the network searches linked short

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messages that have not been sent, and transmits them to the available memory space in the mobile radio device. (col.8; 45-62)

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Huotari & Lawrence further in view of Ayabe et al. [US 6141550] (hereinafter Ayabe).

10. Regarding Claim 10, the above combinations discloses all the particulars of the claim except a delivery report of an RP-ACK response. However, Ayabe teaches in an analogous art, that The method according to claim 1, wherein information about the amount of available memory is transmitted in a delivery report of an RP-ACK response. (REGNOT; col.8; 31-58) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include a delivery report of an RP-ACK response in order to provide the capacity of the memory space.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharad Rampuria whose telephone number is 703-308-4736. The examiner can normally be reached on Mon-Fri. (9:00-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 703-308-5318. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

Sharad Rampuria
July 23, 2004


WILLIAM TROST
SUPERVISORY PATENT EXAMINER
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